

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SENECA SMITH,

Plaintiff,

v.

06CV2969
JUDGE ST.EVE
MAGISTRATE LEVIN

CHICAGO POLICE OFFICER
CALVIN CHATMAN, star #5532,
CHICAGO POLICE OFFICER
DWAYNE A. COLLIER, star #18240,
CHICAGO POLICE SERGEANT
ROBERT RENTNER, star #2052,
CHICAGO POLICE OFFICER JOHN
W. FRANO, star #11772, CHICAGO
POLICE SERGEANT ANTHONY T.
WOJCIK, star #1832, CHICAGO
POLICE SERGEANT JOHN D.
SANCHEZ, star # 2220, Unknown
Chicago Police Officers, and THE CITY
OF CHICAGO, a Municipal
Corporation.

Defendants.

JURY DEMANDED

FILED

MAY 30 2006 *rg*

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

PLAINTIFF'S COMPLAINT

Plaintiff Seneca Smith, by one of his attorneys Maritza Martinez of Robert A. Fisher, Ltd., for his Complaint against Defendants, states as follows:

JURISDICTION AND VENUE

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983 et seq, and § 1985; the judicial code 28 U.S.C. § 1331 and § 1343(a); and the Fourth Amendment of the Constitution of the United States as incorporated and applied to state governments through the Fourteenth Amendment.
2. This is an appropriate venue because all of the alleged acts occurred within

the Northern District of Illinois and all of the parties reside within the Northern District of Illinois.

PARTIES

3. Plaintiff Seneca Smith is a 27 year old Black man, and a resident of the City of Chicago and the United States of America, and is also known by the name Roger Williams.
4. Defendants, Chicago Police Officer Calvin Chatman, star #5532, Chicago Police Officer Dwayne A. Collier, star #18240, Chicago Police Sergeant Robert Rentner, star #2052, Chicago Police Officer John W. Frano, star #11772, Chicago Police Sergeant Anthony T. Wojcik, star #1832, and Chicago Police Sergeant John D. Sanchez, star #2220 (hereinafter collectively referred to as "Individual Defendants") were, at the time of their occurrence, duly appointed Chicago police officers in uniform. They engaged in the conduct complained of in the course and scope of their employment and while they were on duty and under color of law. They were acting in their individual capacities.
5. Defendant Unknown Chicago Police Officers are police officers employed by the Chicago Police Department.
6. Defendant City of Chicago is a municipal corporation, duly incorporated under the laws of the State of Illinois, and as such is responsible for the policies, practices, and customs of the Chicago Police Department, its Superintendent of Police, its Office of Professional Standards (hereafter O.P.S.), its Personnel Division, its Internal Affairs Division (hereafter I.A.D.) and the Chicago Police Board.

FACTS

7. On or about June 27, 2004, Plaintiff, Seneca Smith was in the vicinity of the

- 5300 block of West Congress, Chicago, IL when he heard gunshots at approximately 7:00 p.m., and then learned that his friend Shawn was shot.
8. At approximately 10:30 p.m. on June 27, 2004, Shawn's mother reported to Seneca Smith that a couple of guys were sitting in a van down the street.
 9. Unbeknownst to Seneca Smith, the two men who sat in the van were actually Defendants Chatman and Collier.
 10. Chicago Police Sergeant Robert Rentner, star #2052, had explained the earlier shooting to Defendants Chatman and Collier and assigned Defendants Chatman and Collier to watch a maroon vehicle parked on the 5300 block of West Congress and report back to Sergeant Rentner if anyone tried to approach the vehicle or try to enter the vehicle.
 11. While Defendants Chatman and Collier were on their assignment on the 5300 block of West Congress on June 27, 2004, Defendants Chatman and Collier sat in a FBI Chevy van, with Defendant Chatman at the driver's seat, and with Defendant Collier in the front passenger seat.
 12. While Defendants Chatman and Collier were on their assignment on the 5300 block of West Congress on June 27, 2004, Defendants Chatman and Collier's Chicago Police Department badges and identification cards were not visible.
 13. Seneca Smith approached to approximately 2 yards from the van that Defendants Chatman and Collier were in; all the while Seneca Smith was acting in full conformity with all laws, statutes, and ordinances of the United States, the State of Illinois, and the City of Chicago.
 14. Seneca Smith and the two occupants of the van, who are now known to have been Defendants Chatman and Collier, had a brief conversation between them.
 15. Defendant Chatman, reached over the passenger of the van, Defendant Collier, and intentionally fired a handgun twice at Seneca Smith, striking Seneca Smith with two bullets at a time when Seneca Smith was acting in full

conformity with all laws, statutes, and ordinances of the United States, the State of Illinois, and the City of Chicago.

16. Seneca Smith began bleeding profusely, stumbled, and then ran in an effort to save his life.
17. Defendants Chatman and Collier began chasing Seneca Smith, and Seneca Smith ran towards some women, girls, and children who were calling him from 5331 West Congress, Chicago, IL.
18. The women, girls and children who were calling at Seneca Smith from 5331 West Congress, Chicago, IL included, but are not limited to: Chantel Davidson, Lagina Warfield, Carrie Warfield, Deshaun Fox, Jennifer Warfield, Jalessa Bonner, and Mary Bonner.
19. As Seneca Smith ran towards the people calling at him from across the street, Defendants Chatman and Collier continued to fire their handguns at Seneca Smith, in Seneca Smith's direction, and in the direction of Chantel Davidson, Lagina Warfield, Carrie Warfield, Deshaun Fox, Jennifer Warfield, Jalessa Bonner, and Mary Bonner.
20. Knowing that he had already been shot, and believing he was going to die, Seneca Smith heroically attempted to place his body in between the shooters (Defendants Chatman and Collier) and Chantel Davidson, Lagina Warfield, Carrie Warfield, Deshaun Fox, Jennifer Warfield, Jalessa Bonner, and Mary Bonner.
21. Seneca Smith also attempted to push the door open at 5331 West Congress, Chicago, IL.
22. As Defendants Chatman and Collier approached 5331 West Congress, Chicago, IL, they continued to fire bullets from their handguns at Seneca Smith, Chantel Davidson, Lagina Warfield, Carrie Warfield, Deshaun Fox, Jennifer Warfield, Jalessa Bonner, and Mary Bonner, until Carrie Warfield

cried out, "my baby, you shot my baby."

23. When Defendants Chatman and Collier fired their guns as they approached 5331 West Congress, Chicago, IL, they shot Seneca Smith two additional times, and they shot Chantel Davidson once.
24. After Carrie Warfield cried out, "my baby, you shot my baby," Defendants Chatman and Collier immediately stopped firing and ran off.
25. Any number or combination of Chantel Davidson, Lagina Warfield, Carrie Warfield, Deshaun Fox, Jennifer Warfield, Jalessa Bonner, and/or Mary Bonner carried and/or dragged Seneca Smith into the house located at 5331 West Congress, Chicago, IL and began to tend to Seneca Smith's wounds, and still not knowing that the shooters were Chicago Police Officers, called 911 for assistance.
26. Seneca Smith continued to gush blood.
27. Chicago Police Sergeant Robert Rentner, star #2052, and Chicago Police Officer John W. Frano, star #11772, arrested Seneca Smith without probable cause or a warrant.
28. Defendants charged Seneca Smith with fourteen felony counts, including but limited to multiple counts of: Attempt First Degree Murder of a Peace Officer, Aggravated Discharge of a Firearm, Aggravated Unlawful Use of a Weapon, and Unlawful Use of Weapon By a Felon, despite the fact that Defendants knew that Seneca Smith had not committed said offenses.
29. Seneca Smith was transported to Mt. Sinai Hospital and was treated for the several gunshots wounds and grazes that he received from Defendants Chatman and Collier.
30. While at Mt. Sinai Hospital, Seneca Smith was interrogated by members of the Chicago Police Department, including but not limited to Chicago Police Sergeant Anthony T. Wojcik, star #1832, and Chicago Police Sergeant John

D. Sanchez, star #2220.

31. Defendants filled out and filed false police reports to cover for their wrongful actions against Seneca Smith.
32. Seneca Smith was forced to hire an attorney to represent him on the false charges Defendants placed on him.
33. Seneca Smith has remained in custody since the date of his arrest.
34. As a result of the attack by Defendants Chatman and Collier, Seneca Smith had to undergo several surgeries and has at least 7 permanent scars on his body, including but not limited to scars on his left chest, armpit, arm, and leg.
35. Seneca Smith suffered mental, emotional and physical damage as a result of Defendants' actions, specifically, but not exclusively: his left lung collapsed; his left chest, armpit, arm, and leg areas were punctured, swollen and bleeding; he experienced immobility of the upper left arm, and nerve damage of his left hand; he experienced pain in the aforementioned areas which continues to this day; he experienced extreme soreness, soft tissue trauma and numbness to his left arm and hand; he generally experiences a lack of enjoyment for life, and other mental and emotional complaints and traumas.
36. As a result of the wrongful actions of the Defendants, on June 27, 2004, Seneca Smith incurred physical pain and suffering, humiliation, loss of his liberty, medical and legal expenses, mental distress and anguish, was prevented from attending work and going about his regular business.

COUNT I

42 U.S.C. § 1983 Excessive Force Claim Against Defendants Chatman and Collier

37. Plaintiff Seneca Smith realleges paragraphs 1 through 36.
38. The actions of Defendants Chatman and Collier in physically abusing and

otherwise using unreasonable and unjustifiable force against Plaintiff, violated Plaintiff's right under the Fourth Amendment to the United States Constitution to be secure in his person, papers and effects against unreasonable searches and seizures and thus violated 42 U.S.C. § 1983.

39. Defendants Chatman and Collier acted maliciously, willfully, wantonly, and/or in reckless disregard of the plaintiff's constitutional rights to be free from the use of excessive and unnecessary force.

40. The actions of Defendants Chatman and Collier were the direct and proximate cause of the violations of Plaintiff's Fourth Amendment rights, his injuries, including the collapsing of his left lung; the puncturing, swelling, pain and bleeding of his left chest, armpit, arm, and leg areas; immobility of the upper left arm, and nerve damage of his left hand; pain in the aforementioned areas which continues to this day; extreme soreness, soft tissue trauma and numbness to his left arm and hand; the experiencing of a lack of enjoyment for life, and other mental and emotional complaints and traumas; anguish and humiliation; loss of personal freedom; and the expenditure of moneys for medical and legal expenses, as set forth more fully above.

WHEREFORE, Plaintiff, Seneca Smith, demands compensatory damages, punitive damages, costs, and attorneys fees against Defendants Chatman and Collier; additionally, Plaintiff demands whatever further relief this Court deems equitable and just.

COUNT II
42 U.S.C. § 1983 False Arrest and Detention Claim
Against Individual Defendants

41. Plaintiff realleges paragraphs 1 through 36.

42. The actions of the Individual Defendants were the direct and proximate cause

of the violations of Plaintiff's Fourth Amendment rights, his injuries, mental suffering, anguish and humiliation, and loss of personal freedom, and expenses, as set forth more fully above.

WHEREFORE, Plaintiff Seneca Smith prays the Court will award him actual and punitive damages as well as costs and reasonable attorney fees against the Individual Defendants.


COUNT II
42 U.S.C. § 1983 Conspiracy Claim
Against Individual Defendants

43. Plaintiff realleges paragraphs 1 through 36.
44. Individual Defendants acting together and under the color of law, reached an understanding and agreement, engaged in a course of conduct and otherwise conspired among and between themselves to deprive Plaintiff of his Constitutional rights, and to deprive him of said rights, including his right to be free from unreasonable search, arrest, detention, his right to due process of law, as protected by the Fourth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.
45. In furtherance of their conspiracy or conspiracies, the Individual Defendants committed the overt acts set forth above, including, but not limited to, the unreasonable search, the arrest, charging, detention, imprisonment, and prosecution without probable cause, the filing of false and incomplete reports, the making of false and incomplete statements, the false testimony before grand juries and judges, and the cover-up of their misconduct.
46. Said conspiracy or conspiracies and overt acts caused said constitutional violations, and said injuries, pain, suffering, and mental anguish, as set forth above.

WHEREFORE, Plaintiff Seneca Smith prays the Court will award him actual and punitive damages as well as costs and reasonable attorney fees against Defendant Police Officers.

Plaintiff Seneca Smith demands a jury trial on each count of this Complaint.

Respectfully submitted,


MARITZA MARTINEZ
ROBERT A. FISHER, LTD.
Attorney for Seneca Smith

Dated this 30th date of May, 2006.

MARITZA MARTINEZ
ROBERT A. FISHER, LTD.
20 South Clark Street
Suite 700
Chicago, IL 60603
Atty. No. 06200923